
HOUSE BILL No. 1875

DIGEST OF INTRODUCED BILL

Citations Affected IC 6-1.1-21.3; IC 13-20-22; IC 14-12; IC 14-32-8-6; IC 15-7-9-14.

Synopsis: Solid waste fees. Increases from \$0.50 to \$2.90 the fee imposed on the disposal or incineration of certain solid waste in a final disposal facility. Distributes the additional revenue to the heritage trust, clean water Indiana, hometown Indiana, the land resources council, and a fund for payments in lieu of property taxes (PILOT) for land owned or leased by the department of natural resources. Establishes the PILOT program. Limits use of the additional revenue for administrative expenses. Makes annual appropriations of the increased fee revenue.

Effective: Upon passage; January 1, 2003 (retroactive); July 1, 2003.

Oxley, Welch, Brown T

January 23, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1875

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2003 (RETROACTIVE)]:

4 **Chapter 21.3. Payments in Lieu of Property Taxes**

5 **Sec. 1. As used in this chapter, "PILOT" refers to a payment in**
6 **lieu of taxes.**

7 **Sec. 2. The auditor of state shall make a PILOT on May 1 and**
8 **November 1 of each year with respect to land that:**

9 (1) was owned by or leased by the department of natural
10 resources on March 1 of the previous year; and

11 (2) is exempt from property taxes.

12 **Sec. 3. The PILOT paid under section 2 of this chapter is the**
13 **following amount for each acre of land owned by or leased by the**
14 **department of natural resources on March 1 of the previous year:**

15 (1) Two dollars (\$2) in a county in which the department
16 owned or leased less than five percent (5%) of the acreage in
17 the county on March 1 of the previous year.



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(2) Three dollars (\$3) in a county not referred to in subdivision (1).

Sec. 4. (a) A PILOT:

(1) is billed;

(2) is due;

(3) bears interest if unpaid;

(4) is subject to penalty if unpaid; and

(5) is distributed to political subdivisions within a county; in the same manner as ad valorem taxes on property.

(b) A PILOT:

(1) is not eligible for the property tax replacement credit under IC 6-1.1-21; and

(2) except as provided in subsection (a), is not treated as a property tax for purposes of other procedural and substantive provisions of law.

Sec. 5. Not later than April 1 of each year, the state land office division established by IC 4-20.5-2-1 shall provide the auditor of state with a report of:

(1) for each county, the location of land described in section 2 of this chapter; and

(2) the acreage of the land identified under subdivision (1).

Sec. 6. (a) The PILOT transfer account within the state general fund is established to make PILOTS under section 2 of this chapter. The auditor of state shall administer the account.

(b) Expenses of administering the account are to be paid from money in the account.

(c) There is annually appropriated from the state general fund to the PILOT transfer account the amount necessary to make the PILOTS required by this chapter.

SECTION 2. IC 13-20-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Unless the legislative body of a county having a consolidated city elects by ordinance to participate in the rules, ordinances, and governmental structures enacted or created under this chapter, the collection of fees on the disposal of solid waste in a final disposal facility located in that county are exempt until December 2, 2008, from regulation or control under this chapter.

(b) A fee is imposed on the disposal or incineration of solid waste in a final disposal facility in Indiana. Except as provided in section 14 of this chapter, the amount of the fee is as follows:

(1) For solid waste generated in Indiana and delivered to a final disposal facility in a motor vehicle having a registered gross



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vehicle weight greater than nine thousand (9,000) pounds, ~~fifty~~
two dollars and ninety cents (\$0.50) (\$2.90) a ton.

(2) For solid waste generated outside Indiana and delivered to a
 final disposal facility in a motor vehicle having a registered gross
 vehicle weight greater than nine thousand (9,000) pounds:

(A) ~~fifty~~ **two dollars and ninety cents (\$0.50) (\$2.90)** a ton;
 and

(B) if the solid waste management board has adopted rules
 under subsection (c), an additional amount imposed under the
 rules.

(3) For solid waste generated in Indiana or outside Indiana and
 delivered to a final disposal facility in:

(A) a motor vehicle having a registered gross vehicle weight
 of not more than nine thousand (9,000) pounds; or

(B) a passenger motor vehicle (as defined in IC 9-13-2-123);
 fifty cents (\$0.50) for each load delivered by the motor vehicle.

(c) The solid waste management board shall adopt rules to establish
 and impose a fee on the disposal or incineration of solid waste that is:

(1) generated outside Indiana; and

(2) disposed of or incinerated in a final disposal facility in
 Indiana.

The fee shall be set at an amount necessary to offset the costs incurred
 by the state or a county, municipality, or township that can be attributed
 to the importation of the solid waste into Indiana and the presence of
 the solid waste in Indiana.

(d) Revenue from fees collected under subsection (b)(1) and
 (b)(2)(A) shall be deposited ~~in the state solid waste management fund~~
~~established by section 2 as provided in section 12~~ of this chapter.
 Revenue from fees collected under subsection (b)(2)(B) shall be
 deposited in the hazardous substances response trust fund established
 by IC 13-25-4-1, except that any part of the revenue that the board
 finds is necessary to offset costs incurred by counties, municipalities,
 and townships shall be distributed to solid waste management districts
 pro rata on the basis of the district's population.

(e) If solid waste has been subject to a fee under this section, the
 total amount of the fee paid shall be credited against any other fee to
 which the solid waste may later be subject under this section.

(f) A fee may not be imposed upon material used as alternate daily
 cover pursuant to a permit issued by the department under 329
 IAC 10-20-13.

SECTION 3. IC 13-20-22-12, AS AMENDED BY P.L.1-1999,
 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2003]: Sec. 12. Each month the department of state revenue shall deposit the following:

(1) ~~Not less than fifty~~ **Eight and six-tenths percent (8.6%)** of the revenue from the fee imposed under section 1(b)(1) of this chapter into the Indiana recycling promotion and assistance fund established in IC 4-23-5.5-14.

(2) ~~Not more than fifty~~ **Eight and six-tenths percent (8.6%)** of the revenue from the fee imposed under section 1(b)(1) of this chapter into the fund.

(3) **Twenty-seven and two-tenths percent (27.2%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the Indiana heritage trust fund established by IC 14-12-2-25.**

(4) **Thirty and seven-tenths percent (30.7%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the clean water Indiana fund established by IC 14-32-8-6.**

(5) **Thirteen and eight-tenths percent (13.8%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the hometown Indiana fund established by IC 14-12-3-14.**

(6) **Seven and six-tenths percent (7.6%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the land resources fund established by IC 15-7-9-14.**

(7) **Three and five-tenths percent (3.5%) of the revenue from the fee imposed under section 1(b)(1) of this chapter into the PILOT transfer account within the state general fund under IC 6-1.1-21.3-6.**

(8) The revenue from the fee imposed under section 1(b)(2) of this chapter into the hazardous substance response trust fund established by IC 13-25-4-1.

SECTION 4. IC 14-12-2-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) The Indiana heritage trust fund is established for the purpose of purchasing property as provided in this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Fees from environmental license plates issued under IC 9-18-29.

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(6) Deposits under IC 13-20-22-12(3).

(c) The department shall administer the fund.



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(d) The expenses of administering the fund and this chapter shall be paid from the fund. **Not more than ten percent (10%) of the revenue deposited in the fund under subsection (b) may be used for administering the fund.**

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund.

(h) Subject to this chapter, there is annually appropriated to the department all money in the fund for the purposes of this chapter.

SECTION 5. IC 14-12-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The hometown Indiana fund is established to carry out the purposes of this chapter. The department shall administer the fund.

(b) Gifts of money to the fund or the proceeds from the sale of gifts donated to the fund shall be deposited in the fund.

(c) **Deposits to the fund shall be made under IC 13-20-22-12(5).**

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(e) **Not more than ten percent (10%) of the revenue deposited in the fund may be used for administering the fund.**

(f) **Subject to this chapter, there is annually appropriated to the department all money in the fund for purposes of this chapter.**

SECTION 6. IC 14-32-8-6, AS ADDED BY P.L.160-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The clean water Indiana fund is established to carry out the purposes of this chapter. The fund shall be administered by the division of soil conservation subject to the direction of the board.

(b) The fund consists of:

- (1) amounts appropriated by the general assembly; ~~and~~
 - (2) donations, grants, and money received from any other source;
- and**

(3) deposits under IC 13-20-22-12(4).

(c) The expenses of administering the fund shall be paid from money in the fund. **Not more than ten percent (10%) of the revenue**

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deposited in the fund under subsection (b) may be used for administering the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Subject to this chapter, there is annually appropriated to the department all money in the fund for purposes of this chapter.

SECTION 7. IC 15-7-9-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) The land resources fund is established to carry out the purposes of this chapter.

(b) The fund consists of the following:

(1) Appropriations made by the general assembly.

(2) Interest as provided in subsection (e).

(3) Deposits under IC 13-20-22-12(6).

(4) Money donated to the fund.

(5) Money transferred to the fund from other funds.

(c) The commissioner shall administer the fund.

(d) The expenses of administering the fund and this chapter shall be paid from the fund. Not more than ten percent (10%) of the revenue deposited in the fund under subsection (b) may be used for administering the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

(f) An appropriation made by the general assembly to the fund shall be allotted and allocated at the beginning of the fiscal period for which the appropriation was made.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund. However, if the fund is abolished, the money in the fund reverts to the state general fund.

(h) Subject to this chapter, there is annually appropriated to the department of commerce all money in the fund for the purposes of this chapter.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-21.3-5, as added by this act, the state land office division shall provide to the auditor of state the information required under IC 6-1.1-21.3-6, as added by this act, not later than July 1, 2003.

(b) The auditor of state shall make the first PILOT (as defined in IC 6-1.1-21.3-1, as added by this act) under IC 6-1.1-21.3-2, as

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- 1 added by this act, on May 1, 2004.
- 2 (c) This SECTION expires December 31, 2004.
- 3 SECTION 9. An emergency is declared for this act.

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